IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 482 of 2002()

CRA.118/1999 of ADDL. SESSIONS COURT (ADHOC) FAST TRACK-I, THRISSUR
CC.931/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT, VADAKKANCHERY

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REVN. PETITIONER: APPELLANT/ACCUSED

RAJEEV S/O.JOSE,MADALIYANGAL HOUSE,
MALESAMANGALAM DESOM,THIRUVALLAMALA VILLAGE,
THALAPPILLY TALUK.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA,REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP482/02

ORDER ON CRL.M.P.NO.3240/2002 IN CRL.R.P.NO.482/2002

DISMISSED

14.11.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.482 of 2002

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 304(A) IPC and sentenced to undergo R.I. for a period of 45 days and to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and in default, to undergo R.I. for a period of 45 days and also sentenced to undergo R.I. for six months for the offence under Section 304(A) IPC.

2. The prosecution case is that the accused on 21.9.1997 at 10.00 a.m. drove his scooter bearing registration No.KRC 2789 in a rash and negligent manner so as to endanger human life and hit on a woman resulting in grievous injuries to her and later she succumbed to the injuries sustained. It is submitted that the lady was aged 65 years.

3. Counsel for the revision petitioner has only sought for modification of the sentence. He has submitted that more than 10 years have elapsed since the commencement of the proceedings and so far the accused was facing the criminal

proceedings. It is further submitted that the sole means of livelihood of the family of the petitioner is his earnings. In the circumstances, offence under Section 304(A) IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. He is also sentenced to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and in default, to undergo simple imprisonment for two weeks. The revision petitioner is granted four months' time to pay the amount of compensation and fine. He shall appear before the Judicial First Class Magistrate Court, Wadakkanchery on 14.3. 2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl